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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,929	03/04/2002	Toshiki Kubo	113197-024	6727
24573	7590	10/28/2003		EXAMINER
BELL, BOYD & LLOYD, LLC				MEYER, DAVID C
PO BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2878	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/090,929	KUBO ET AL.
	Examiner	Art Unit
	David C. Meyer	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 and 5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed July 21, 2003 have been fully considered but they are not persuasive. The applicant traverses the rejection of claims 1 and 3 under 35 U.S.C. 102(b) in view of Tokumaru (US 5,611,015) on the following grounds:

- Tokumaru does not estimate the amount of angular disagreement of planes of polarization of optical fibers concretely
- Tokumaru does not disclose estimation of an amount of angular disagreement of planes of polarization of optical fibers based on the heights of two brightness peaks

The examiner maintains that Tokumaru does estimate the amount of angular disagreement of planes of polarization of optical fibers. As stated in the prior Office Action, a user estimates the amount of angular disagreement based on the values generated by an image processing unit (pp. 2-3). These values are generated from sets of *three* brightness peaks as opposed to sets of *only two* brightness peaks, but basing estimation, as from the generated values, on three peaks includes basing such estimation on *two* peaks.

The examiner acknowledges that Tokumaru discloses the use of peak position, and not peak height, in generating the values used to estimate angular disagreement. However, it is well known to use peak height in determining the alignment of a polarization-maintaining optical fiber as taught by Yuhara (US 5,677,973). Hence, the examiner makes the following new statement of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokumaru (US 5,611,015) in view of Yuhara (US 5,677,973).

Regarding claim 1, Tokumaru et al discloses an apparatus for splicing polarization-maintaining optical fibers. The apparatus executes a method whereby the angular disagreement between the planes of polarization of two polarization-maintaining optical fibers 2,7 may be ascertained and corrected. In the operation of the apparatus, an LED 3 irradiates a lateral side of the optical fibers 1 and 2. Two patterns of luminance peaks are transmitted corresponding to the respective polarization planes of the two optical fibers. A camera 4 captures the patterns and sends a corresponding electrical signal to an image processing unit 5. The image processing unit calculates the positions of the luminance peaks and generates numerical values C and D to reflect them. A display 6 displays the luminance peaks for each fiber as well as the numerical values C and D. A user may manipulate dials 23,24 until the polarization planes of the two optical fibers are aligned, as evidenced when the values C and D are equal. The step of estimating the amount of angular disagreement between the planes of polarization of the two polarization-maintaining optical fibers is performed by a user, who bases her estimation on the values C and D as generated by the image processing unit. (See Figs. 1A, 1B, 2, 3, 4, and 7 as well as column 3, line 7 to column 5, line 11.)

Numerical values C and D are calculated based on positions of three brightness peaks, which includes using two brightness peaks.

Tokumaru does not disclose that peak height is used in the calculation of values C and D. However, it is well known to estimate an alignment angle of a polarization maintaining optical fiber using peak height, as taught by Yuhara. In Yuhara, a light is transversely radiated on an optical fiber and a CCD camera picks up an image of light that has transmitted through the fiber. This image is used to generate an intensity distribution from which the polarization angle of the fiber can be determined (column 9, lines 10-57). The alignment of the optical fiber is ascertained based upon the heights of peaks in the intensity distribution (Fig. 5B and column 9, lines 58-67). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate peak height into the determination of fiber polarization plane orientation because it is well known to do so.

Regarding claim 2, Tokumaru et al does not disclose the steps of irradiating light onto the fibers *after* they have been joined. However, the motivation for performing this step is easily provided. Although a user would not be able to reorient the respective polarization axes of the connected fibers following the connecting step, she would be able to estimate the amount of angular disagreement between the two fibers' respective polarization axes based, as before, on the numerical values C and D generated by the image processing unit 5. This functionality is desirable and obvious from the standpoint that it enables a user to evaluate whether a connecting step was performed successfully. Based on the foregoing, it would have been obvious to one of ordinary skill

in the art at the time of invention to modify Tokumaru et al by irradiating light onto the fibers after a connecting step in order to facilitate the evaluation of the connecting step's success.

Regarding claim 3, Tokumaru et al discloses that after the values C and D are set equal to each other (via manipulation of dials 23 and 24) "the polarization-maintaining optical fibers 1 and 2 are fused, thereby splicing the optical fibers such that their optical axes coincide." (See column 5, lines 8-11.)

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokumaru in view of Yuhara as applied to claim 1, in further view of Feth.

Tokumaru et al does not disclose a method for connecting two optical fibers such that the orientation angle between their respective polarization axes is a non-zero predetermined angle. However, in some applications it is desirable to depolarize light traveling within an optical fiber by means of a fiber section having a polarization axis that is oriented at a non-zero angle with respect to the polarization axis of another fiber section. Feth et al discloses a method for fabricating a depolarizer wherein first and second optical fibers are oriented such that the angle between their respective polarization axes is non-zero. (See Fig. 2, column 1, lines 14-35, and column 3, lines 6-15.) It would have been obvious to one of ordinary skill in the art at the time of invention to modify Tokumaru et al by using the apparatus to orient first and second optical fibers such that the angle between their respective polarization axes is non-zero, in order facilitate use in settings where controlled depolarization is desirable and necessary.

Art Unit: 2878

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Meyer whose telephone number is 703-305-7955. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on 703-308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0935.

DCM  
October 10, 2003



DAVID PORTA  
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